BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

(Under the Real Estate Regulation And Development Act 2016)

DATED 11-01-2021

Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member

Appeal Nos. 48 and 49 of 2020

1) M/s.Oragadam City Developers Pvt. Ltd., Rep. by its Authorized Signatory
2) M/s.New Town Housing
3) M/s.Value Build Homes
4) M/s.Vilagam Housing
5) M/s.Frontier Housing Private Limited

... Appellants in both appeals

..Vs..

Mrs.Anitha Arun & Bharathi Arun
filed through their Power Holder
Adithya Arun

... Respondents in A.No.48/2020

Mrs.Sunitha Nandakumar
filed through her Power Holder
Adithya Arun

... Respondent in A.No.49/2020

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These appeals have been preferred against the order of the Adjudicating Officer in C.C.P.No.159 and 160 of 2019 dated 03.10.2019 and was taken on file on 04.09.2020 and came up for final hearing of the waiver application on 09.12.2020 in the presence of M/s.A.V.Arumugam, K.Kala, M.Prakash, Advocates for the Appellants and M/s.Abhinav Parthasarathy, S.V.Supraja, Hariprasath.D.G, Advocates for the Respondents and heard and conditional orders were pronounced. Due to non compliance this Tribunal, through video conferencing, on 11.01.2021 delivered the following:

COMMON ORDER

1. The home buyers and the developer entered into an agreement for sale cum construction on 14.12.2011. Even after the payment of sale consideration the developer failed to deliver the row houses within the stipulated time. Hence the home buyers preferred complaints before the Adjudicating Officer for the relief of refund of sale consideration with interest and compensation with litigation expenses. After contest the complaint was partly allowed. Aggrieved upon that the appellants were preferred these appeals. To entertain these appeals the appellants were directed to comply with section 43(5) of Real Estate Regulation and Development Act, 2016 as ordered in the waiver applications No.83 and 85 of 2020. The appellants failed to comply with the order on or before 10.01.2021 hence this Tribunal passed the order that:

"The Learned counsel for the appellant states that the conditional order has not been complied

with, in view of Section 43(5) as no amount deposited as per the order the appeal cannot be entertained.

The appeal is dismissed for non compliance of the order. No costs. The connected Miscellaneous Applications are closed."

This Order is dictated directly to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on the 11th Day of January 2021.

Sd/-xxxx
CHAIRPERSON

Sd/-xxxx
ADMINISTRATIVE MEMBER

Sd/-xxxx
JUDICIAL MEMBER

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